

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 17-cr-00108-GPG

UNITED STATES OF AMERICA,

Plaintiff,

v.

**SERGIO A. MURILLO, A/K/A
SERGIO A. MURILLO-NUNEZ,**

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
2:58 pm, Apr 11, 2017
JEFFREY P. COLWELL, CLERK

INDICTMENT
26 U.S.C. § 7201

The Grand Jury charges:

COUNTS ONE THROUGH FOUR
26 U.S.C. § 7201

A. INTRODUCTION

At all times relevant to this indictment,

1. SERGIO MURILLO was the owner and sole proprietor of Mountain High Window Cleaning (hereinafter "Mountain High"), a business located within the District of Colorado that cleaned windows, removed snow and provided a few other real estate related services within the District of Colorado. Mountain High operated from at least January 1, 2007 through December 31, 2010.

2. Mountain High also did business under various names including: Mountain High Snow Removal, Mountain High Snow Removal and Window Cleaning, Mt High Window Cleaning, Mountain High, Mountain High Commercial & Residential Window Cleaning, Sergio's Mountain High Window Cleaning & Snow Removal, Mountain High Window Cleaning and Snow Removal, Sergio Murillo Mountain High Window Cleaning, and Sergio's Mountain High Snow Removal.
3. The Internal Revenue Service ("IRS") is an agency of the United States within the Department of the Treasury of the United States and is responsible for enforcing and administering the tax laws of the United States.
4. A Form 1040 is a U.S. Individual Income Tax Return.
5. A Schedule C is used by a sole proprietor to report income or loss from a business.
6. At all times relevant herein, SERGIO MURILLO reported the business activity of Mountain High on Schedule C, attached to his annually filed IRS Form 1040.
7. At all times relevant herein, Mountain High maintained a bank account at US Bank under the name Sergio Murillo Mountain High Window Cleaning, into which a portion of Mountain High's business receipts were deposited.
8. At all times relevant herein, SERGIO MURILLO maintained several bank accounts at Wells Fargo under the name Sergio A. Murillo-Nunez, into which a portion of Mountain High's business receipts were deposited.

B. COUNT I

9. From at least on or about January 1, 2007, and continuing until at least August 17, 2012, in the District of Colorado, defendant SERGIO MURILLO did willfully attempt to evade and defeat the assessment of federal taxes due and owing by him to the United States of America for tax year 2007, when MURILLO owed substantial tax in addition to the tax liability reported on his income tax return, when MURILLO then and there knew that his taxable income was in excess of the amount stated on the return, and by committing and causing to be committed the following affirmative acts of evasion, including, amongst others:

- a. Issuing or causing to be issued, invoices for work performed by Mountain High wherein he instructed Mountain High's clients to make checks payable to "Sergio A. Murillo" or "Sergio Murillo" rather than making them payable to Mountain High.
- b. Depositing most of the checks referenced in subpart (a) above into the bank accounts at Wells Fargo that were under the name Sergio Murillo-Nunez.
- c. Providing his return preparer with only bank statements from Mountain High's US Bank account for the preparation of his 2007 federal income tax return.
- d. On or about November 1, 2009, SERGIO MURILLO prepared and caused to be prepared, and signed and caused to be signed, a false and fraudulent U.S. Individual Income Tax Return, Form 1040, for tax year

2007 which was filed with the Internal Revenue Service on behalf of himself. The false return stated that Murillo's business income from Mountain High for the calendar year was \$-23,481, and the amount of tax due and owing thereon was \$0. His actual total income was approximately \$139,052, and the estimated additional tax due and owing for tax year 2007 is approximately \$40,305.

- e. On or about May 20, 2011, Murillo falsely told IRS Revenue Agent Kevin Collins that all of Mountain High's income was deposited into the US Bank account, and that he did not have any other bank accounts.
- f. On or about August 17, 2012, Murillo falsely told IRS Revenue Agent Collins that his customers determined whether to make checks payable to Mountain High or to SERGIO MURILLO personally, and that Mountain High's invoices contained both names.

All in violation of Title 26, United States Code, Section 7201.

C. COUNT II

10. From at least on or about January 1, 2008, and continuing until at least August 17, 2012, in the District of Colorado, defendant SERGIO MURILLO did willfully attempt to evade and defeat the assessment of federal taxes due and owing by him to the United States of America for tax year 2008, when MURILLO owed substantial tax in addition to the tax liability reported on his income tax return, when MURILLO then and there knew that his taxable income was in excess of

the amount stated on the return, and by committing and causing to be committed the following affirmative acts of evasion, including, among others:

- a. Issuing or causing to be issued, invoices for work performed by Mountain High wherein he instructed Mountain High's clients to make checks payable to "Sergio A. Murillo" or "Sergio Murillo" rather than making them payable to Mountain High.
- b. Depositing most of the checks referenced in subpart (a) above into the bank accounts at Wells Fargo that were under the name Sergio Murillo-Nunez.
- c. Providing his return preparer with only bank statements from Mountain High's US Bank account for the preparation of his 2008 federal income tax return.
- d. On or about November 1, 2009, SERGIO MURILLO prepared and caused to be prepared, and signed and caused to be signed, a false and fraudulent U.S. Individual Income Tax Return, Form 1040 for tax year 2008, which was filed with the Internal Revenue Service on behalf of himself. The false return stated that Murillo's business income from Mountain High for the calendar year was -\$30,779, and the amount of tax due and owing thereon was \$0. His actual total income was approximately \$214,815, and the estimated additional tax due and owing for tax year 2008 is approximately \$63,867.

- e. On or about May 20, 2011, Murillo falsely told IRS Revenue Agent Kevin Collins that all of Mountain High's income was deposited into the US Bank account, and that he did not have any other bank accounts.
- f. On or about August 17, 2012, Murillo falsely told IRS Revenue Agent Collins that his customers determined whether to make checks payable to Mountain High or to SERGIO MURILLO personally, and that Mountain High's invoices contained both names.

All in violation of Title 26, United States Code, Section 7201.

D. COUNT III

- 10. From at least on or about January 1, 2009, and continuing until at least August 17, 2012, in the District of Colorado, defendant SERGIO MURILLO did willfully attempt to evade and defeat the assessment of federal taxes due and owing by him to the United States of America for tax year 2009, when MURILLO owed substantial tax in addition to the tax liability reported on his income tax return, when MURILLO then and there knew that his taxable income was in excess of the amount stated on the return, and by committing and causing to be committed the following affirmative acts of evasion, including, among others:
 - a. Issuing or causing to be issued, invoices for work performed by Mountain High wherein he instructed Mountain High's clients to make checks payable to "Sergio A. Murillo" or "Sergio Murillo" rather than making them payable to Mountain High.

- b. Depositing most of the checks referenced in subpart (a) above into the bank accounts at Wells Fargo that were under the name Sergio Murillo-Nunez.
- c. Providing his return preparer with only bank statements from Mountain High's US Bank account for the preparation of his 2009 federal income tax return.
- d. On or about July 19, 2011, SERGIO MURILLO prepared and caused to be prepared, and signed and caused to be signed, a false and fraudulent U.S. Individual Income Tax Return, Forms 1040 for tax year 2009, which was filed with the Internal Revenue Service on behalf of himself. The false return stated that Murillo's business income from Mountain High for the calendar year was \$7,811, and that the amount of tax due and owing thereon was \$1,104. His actual total income was approximately \$163,112, and the estimated additional tax due and owing for tax year 2009 is approximately \$50,173.
- e. On or about May 20, 2011, Murillo falsely told IRS Revenue Agent Kevin Collins that all of Mountain High's income was deposited into the US Bank account, and that he did not have any other bank accounts.
- f. On or about August 17, 2012, Murillo falsely told IRS Revenue Agent Collins that his customers determined whether to make checks payable to Mountain High or to SERGIO MURILLO personally, and that Mountain High's invoices contained both names.

All in violation of Title 26, United States Code, Section 7201.

E. COUNT IV

11. From at least on or about January 1, 2010, and continuing until at least August 17, 2012, in the District of Colorado, defendant SERGIO MURILLO did willfully attempt to evade and defeat the assessment of federal taxes due and owing by him to the United States of America for tax year 2010, when MURILLO owed substantial tax in addition to the tax liability reported on his income tax return, when MURILLO then and there knew that his taxable income was in excess of the amount stated on the return, and by committing and causing to be committed the following affirmative acts of evasion, including, among others:

- a. Issuing or causing to be issued, invoices for work performed by Mountain High wherein he instructed Mountain High's clients to make checks payable to "Sergio A. Murillo" or "Sergio Murillo" rather than making them payable to Mountain High.
- b. Depositing most of the checks referenced in subpart (a) above into the bank accounts at Wells Fargo that were under the name Sergio Murillo-Nunez.
- c. Providing his return preparer with only bank statements from Mountain High's US Bank account for the preparation of his 2010 federal income tax return.
- d. On or about October 11, 2011, SERGIO MURILLO prepared and caused to be prepared, and signed and caused to be signed, a false and

fraudulent U.S. Individual Income Tax Return, Forms 1040 for tax year 2010, which was filed with the Internal Revenue Service on behalf of himself. The false return stated that Murillo's business income from Mountain High for the calendar year was -\$570, and that the amount of tax due and owing thereon was \$0, when he then and there knew that his taxable income was in excess of the amount stated on the return and that he had a substantial additional tax due and owing to the United States of America. His actual total income was approximately \$104,783, and the estimated additional tax due and owing for tax year 2010 is approximately \$34,233.

- e. On or about May 20, 2011, Murillo falsely told IRS Revenue Agent Kevin Collins that all of Mountain High's income was deposited into the US Bank account, and that he did not have any other bank accounts.
- f. On or about August 17, 2012, Murillo falsely told IRS Revenue Agent Collins that his customers determined whether to make checks payable to Mountain High or to SERGIO MURILLO personally, and that Mountain High's invoices contained both names.

//

All in violation of Title 26, United States Code, Section 7201.

TRUE BILL:

Ink signature on file in Clerk's Office
FOREPERSON

ROBERT C. TROYER
Acting United States Attorney

By: s/ Pete Hautzinger
PETE HAUTZINGER
Assistant United States Attorney
205 N. 4th Street, Suite 400
Grand Junction, Colorado 81501
Telephone 970-241-3843
Fax: (970) 248-3630
E-mail: peter.hautzinger@usdoj.gov

By: s/ Benjamin J. Weir
BENJAMIN J. WEIR
Trial Attorney
U.S. Dept. of Justice, Tax Division
P.O. Box 972
Tel: (202) 307-0855
Fax: (202) 514-9623
Benjamin.j.weir@usdoj.gov

17-cr-00108-GPG

DEFENDANT: Sergio A. Murillo, a/k/a Sergio A. Murillo-Nunez

YOB: 1975 **AGE 41**

COMPLAINT
FILED? _____ Yes X No

If Yes, MAGISTRATE CASE NUMBER _____

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ Yes X No
If No, a new warrant is required

OFFENSE(S): **Counts 1 through 4:** 26 U.S.C. § 7201
Attempt to evade or defeat tax

LOCATION OF
OFFENSE: Eagle County, Colorado

PENALTY: **For Each Count 1 through 4:**
Term of imprisonment not to exceed 5 years;
Fine of not more than \$250,000;
Costs of prosecution

AGENT: SA David Wagner, IRS-CI

AUTHORIZED
BY: Pete Hautzinger Benjamin J. Weir
Assistant U.S. Attorney Trial Attorney, Tax Division

ESTIMATED TIME OF TRIAL:

X five days or less _____ over five days _____ other

THE GOVERNMENT

_____ will seek detention in this case based on 18 U.S.C. § 3142(f)([1 or 2])

X will not seek detention

The statutory presumption of detention [**is/is not**] applicable to this defendant.

OCDETF CASE: __ Yes X No